



Attorney Docket # 5284-49P/RCE

MS-AF

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Etienne ANNIE et al.

Serial No.: 10/517,860

Filed: December 14, 2004

For: System and Method of Managing Communication
Network-Dedicated Architecture on a Terminal

Examiner: Iqbal, K.
Group Art: 2617

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicants request a panel review of the Issues on Appeal in the above-referenced application. The present request is filed concurrently with a Notice of Appeal and a request for a three-month extension of time, and is filed before any Appeal Brief. No claim amendments are submitted with this request.

The review is requested for the reasons set forth on the following pages.

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Independent claims 1 and 6 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Pub. No. 20040166843 (“*Hahn*”) in view of U.S. Pub. No. 2003/0039237 (“*Forslow*”).

Independent claim 1 recites that “a non-unique address via the associated addressing scheme from each of said networks connected to the terminal (10)” is received. Independent claim 6 recites the step of “independently managing a plurality of said communications networks after receiving a non-unique address from each of said networks connected to said terminal”.

The Examiner (at pgs. 3 and 5 of the Final Office Action) has acknowledged that *Hahn* fails to teach or suggest a “a non-unique address managing independently each of plural communications networks”, as recited in independent claims 1 and 6, and cites *Forslow* for this feature.

Applicants disagree, however, that the combination of *Hahn* and *Forslow* achieves the subject matter of independent claims 1 and 6. There is nothing in *Hahn* and *Forslow* either teaching or suggesting the entire subject matter recited in independent claims 1 and 6. *Forslow* discloses a system and method for communication between a mobile station and a single external network. *Forslow* (paragraph [0009]; Fig. 2) describes a mobile communications system that supports both circuit-switched and packet-switched communications and includes a circuit-switched network 35 and a packet-switched network 51.

Forslow (paragraph [0022]) additionally describes the selection of circuit-switched services for real time data streams (referred to as application flows) such as audio and video, or the selection of packet-switched bearers for non-real time applications such as surfing the worldwide web, file transfer, e-mail and telnet, all of which require fast channel access and bursty data transfer capability. *Forslow* (paragraph [0024]) explains that the circuit-switched services are performed based on a determination of whether a circuit-switched bearer or a packet-switched bearer is better suited to transport the application flow for a corresponding quality of service (QoS) associated with real-time or non real-time applications. Different packet-switched and circuit-switched services co-exist within the network, but the services are always located in the same network. *Forslow* fails to teach the simultaneous management of a plurality of networks that are connected to the same terminal. Consequently, the *Forslow* technique is not intended to, need not, and does not deal with or provide the ability to eliminate the possibility of receiving the same (i.e., a non-unique) address from two different networks.

which would violate the conventional principle of unique addressing as discussed at pg. 9, line 23 to pg. 10, line 21 and pg. 12, line 8 to pg. 13, line 10 of the instant specification.

Accordingly, even when combined with *Hahn*, *Forslow* in fact fails to teach or suggest “a dedicated architecture manager integrated into said terminal ... configured to manage separately simultaneous connections with each of said plural communications networks, and configured to manage independently each of said communications networks after receiving a non-unique address via the associated addressing scheme from each of said plural communications networks connected to the terminal”, as recited in independent claim 1 and correspondingly recited in independent claim 6. Rather, *Forslow* teaches a system in which a terminal is connected to only one external network at a time and the addresses sent by this communication network are always different, i.e., *Forslow* teaches management of communications with a single network having a unique address planning methodology. *Forslow* teaches nothing as to how to deal with receipt of non-unique addresses from a plurality of connected communications networks. As such, *Forslow* does not and cannot provide the Examiner-acknowledged missing teachings of *Hahn*.

Forslow teaches (Fig. 1; (20)) that the external network can be a LAN, and (Fig. 2; (58)) that the external network can also comprise an ISP server (see Fig. 10 and/or Fig. 11, step 170). *Forslow* (Fig. 2) depicts and describes only one network (56) that is connected with the disclosed GGSN equipment (54). In contrast, Fig. 2 of applicants' instant specification depicts a pair of different GGSN (30, 30') equipment that are connected to different networks (40, 41, 42, 50, 51 and 52), with each possessing a set of services A, B, ..., etc. The claimed invention enables, in the arrangement of Fig. 2, the “dedicated architecture manager integrated into said terminal ... to process simultaneously operation of said terminal when connected to each of said plural communications networks, and ... to manage independently each of said plural communications networks after receiving a non-unique address via the associated addressing scheme from each of said plural communications networks connected to the terminal”, as recited in independent claim 1 and correspondingly recited in independent claim 6. *Forslow fails* to teach or suggest these limitations or operating functionality.

Forslow (paragraph [0029], lines 3-6) explains that an external network entity performs only a single common access procedure for subsequent communications using either the circuit-switched network or the packet-switched network. The skilled person readily

appreciates that applicants' claimed invention requires performance of more than one access procedure, because independent claim 1 recites that the at least one architecture manager in the terminal is "configured to process simultaneously operation of said terminal when connected to each of said plural communication networks". *Forslow* does not teach a system in which this occurs or is accommodated.

The Examiner (at pg. 2 of the September 28, 2009 Advisory Office Action) asserts that:

In paragraph 0031, *Forslow* teaches for both the circuit switched and packet switched networks [i.e., plural communication networks] a mobile station is configured with a common address [i.e., a non-unique address] for subsequent application flows with external network [whereas] in paragraph 0105, *Forslow* also teaches both of the circuit switched and packet switched network sharing the same IP/network address [i.e., non-unique address] in the mobile station.

Applicants disagree.

First of all, the claimed "non-unique address" is not an address of the mobile station – as the Examiner asserts – but rather a non-unique address received by the terminal from each of the plural networks (see claims 1 and 6).

Moreover, the Examiner's proffered analysis of *Forslow* simply misses applicants' core inventive concept and fails to fully consider the entirety of independent claims 1 and 6. The circuit-switched and packet-switched networks reside in the same network. As stated previously, *Forslow* (paragraph [0024]) explains that the circuit-switched services are performed based on a determination of whether a circuit-switched bearer or a packet-switched bearer is better suited to transport the application flow for a corresponding quality of service (QoS) associated with real-time or non real-time applications. Different packet-switched and circuit-switched services co-exist within the network, but the services are always located in the same network. There is no simultaneous management of the same IP/network address by the mobile station of the *Forslow* system while the mobile terminal is simultaneously connected to a plurality of communications networks. Therefore, there is no need or reason to configure the mobile station so that it could receive a non-unique address via an associated addressing scheme from a plurality of communications networks connected to the mobile station.

Forslow (paragraph [0030], lines 1-2) explains that "the common access procedure includes a common authentication procedure for authenticating the identity of the mobile station with the external network entity". *Forslow* (paragraph [0031], lines 3-7) additionally

explains that the common access procedure configures the terminal for communication with the external network for both the circuit-switched and packet-switched networks. *Forslow* (paragraph [0032], lines 36-38) further explains that by permitting individual application flows to individually select the type of transfer mechanism, i.e., either circuit-switched or packet-switched bearer, a higher QoS for different types of applications is provided. *Forslow* (paragraph [0032], lines 5-7) then goes on to explain that the common access procedure is used for all application flows in a session. *Forslow* fails to teach or suggest “a dedicated architecture manager integrated into said terminal ... configured to manage separately simultaneous connections with each of said plural communications networks and configured to manage independently each of said plural communications networks after receiving a non-unique address via the associated address scheme from each of said plural communications networks connected to the terminal”, as recited in independent claim 1 and correspondingly recited in independent claim 6.

Forslow (paragraph [0050] to [0051]) merely describes a standard activation procedure for GPRS access. These sections of *Forslow* fail to teach or suggest the claimed “architecture manager ... [which is] configured to manage independently each of said communications networks after receiving a non-unique address via the associated addressing scheme from each of said plural communications networks connected to the terminal”, as recited in independent claim 1 and correspondingly recited in independent claim 6.

Forslow (paragraph [0094] to [0096]) describes access that is performed using one common external network (see paragraph [0094], line 1; (170)), with a “single” common access via two independent bearers (in the same network), i.e., one bearer for GPRS packet services and one bearer for GSM circuit services. Again, *Forslow* teaches the use of only one network at a time, with a set of different services based on the indicated type of service. Independent claim 1, in contrast, recites “a dedicated architecture manager ... configured to manage separately simultaneous connections with each of said plural communications networks, and configured to manage independently each of said plural communications networks”, and independent claim 6 recites corresponding limitations. Such a configuration is not provided for in the *Forslow* system because only one gateway, i.e., GGSN (54), is present for connection to the external network. Thus, in the system of *Forslow* there is no way to achieve an effective simultaneous connection of the terminal to a plurality of communications

networks to enable independent simultaneous management of each of the plural communications networks when receiving a non-unique address via the associated addressing scheme from each of the plural communications networks connected to the terminal. *Forslow fails* to provide that which *Hahn* lacks.

An important characteristic of the claimed invention is the ability to work with several non-unique addresses each using the service addressing scheme as defined by claims 1 and 6. This characteristic and the configuration of a mobile terminal to advantageously simultaneously function with several simultaneously connected communications networks are neither explained nor described in the *Hahn* or *Forslow* publications. *Hahn* and *Forslow* each fail to provide any explanation or teaching whatsoever with respect to management of non-unique addresses of different communications networks that are received when a mobile terminal is simultaneously connected with several communications networks. In particular, *Hahn* and *Forslow* are silent with respect to the problem of receiving an identical address (i.e., a non-unique address) from two different communications networks, both of which are operating with the same addressing scheme, as recited in independent claims 1 and 6.

Hahn and *Forslow*, individually or in combination, therefore fail to teach or suggest the expressly recited subject matter of independent claims 1 and 6.

Reconsideration and withdrawal of the rejection of claims 1 and 6 as unpatentable over the combination of *Hahn* and *Forslow* under 35 U.S.C. §103 are accordingly deemed to be in order.

Respectfully submitted,
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Dated: October 1, 2009